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33031 7590 08/30/2011 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL R. PALLESEN, VILAS M. ATHAVALA,
and SRIDHAR GUNAPU

Appeal 2010-006078
Application 09/521,005
Technology Center 3600

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN,
and ANTON W. FETTING, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1 to 12, 14 to 24, and 26 to 37. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

Claim 1 is illustrative:

1. A product rate calculation system comprising:
 - a processor;
 - computer readable medium, wherein the computer readable medium is at least one of an electronic storage medium, a magnetic storage medium, and an optical storage medium;
 - a database interface operable to request and receive product rate information from a database, the product rate information including at least one product rate expression;
 - a product rate information cache storing the product rate information received from the database;
 - an expression evaluation routine operable to parse a product rate expression stored in the product rate information cache into at least one token, and operable to evaluate the at least one token to determine a product rate; and
 - a client interface operable to provide the product rate to a client application running on a computer system, wherein at least one of the database interface, the product rate information cache, the expression evaluation routine and the client interface is encoded in the computer readable medium as instructions executable on the processor.

Appellants appeal the following rejections:

1. Claims 1 to 12, 14 to 24, and 26 to 36 under 35 U.S.C. § 103(a) as unpatentable over Appellants' Background of the Invention (Specification 1 to 2) in view of Kennedy (US 5,787,453; Jul. 28, 1998) and further in view of Chlan (US 6,385,642 B1; May 7, 2002).

2. Claim 37 under 35 U.S.C. § 103(a) as unpatentable over Appellants'

Background of the Invention in view of Kennedy, Chlan, and Fenton (US 2006/0271414 A1; Nov. 30, 2006).

ISSUE

Did the Examiner err in rejecting the claims because the prior art does not disclose a product rate information cache that stores product rate information received from the database?

FACTUAL FINDINGS

The Examiner relies on Chlan for teaching a product information cache storing the product rate information received from the database (Ans. 5).

Appellants disclose and recite in claim 1 that the product rate information includes at least one product rate expression (Specification 3).

Chlan discloses that a cache file is created to store data received from the client and from the data source (col. 2, ll. 54 to 58). Chlan discloses that the data received from the data source may include session identification, an indication of whether a user is a valid user, options available to a particular user for display on an upcoming menu page, graphical style indications, and results of previous processing now available to the user since a previous visit (col. 6, ll. 50 to 58). Chlan does not disclose that the cache file stores product rate information.

ANALYSIS

Appellants argue that Chlan does not disclose a product rate information cache as required by claim 1. We agree. As we have found above, there is simply no disclosure of the cache file disclosed in Chlan including product rate information. As Chlan does not disclose a cache file that stores product rate information, Chlan does not disclose a routine to parse the product rate expression stored in the cache into at least one token and evaluate the token to determine a product rate.

In view of the foregoing, we will not sustain the Examiner's rejection of claim 1 and claims 2 to 12 and 14 dependent thereon. We will also not sustain the Examiner's rejection of independent claims 15, 26, and 27 and claims 16 to 24 and 28 to 36 dependent thereon because claims 15, 26, and 27 also require a cache to store product rate information or the step of storing product rate information in a cache.

We will likewise not sustain the rejection of claim 37 under 35 U.S.C. § 103 as being unpatentable over Appellants' Background of the Invention, Kennedy, Chlan, and Fenton because claim 37 is dependent on claim 1 and thus requires a product rate information cache and Fenton does not cure the deficiencies of the Chlan reference.

DECISION

The decision of the Examiner is reversed.

ORDER REVERSED

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